

FOR: CONTINUATION OF THE GOVERNOR’S PLANNING COUNCIL FOR PEOPLE WITH DISABILITIES

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, disability will occur at some point in the lives of most people or in the lives of their family members; and

WHEREAS, people with disabilities are people first with capabilities, competence, personal and community needs and preferences; and

WHEREAS, families, neighbors, co-workers and friends can play a central role in enhancing the lives of people with disabilities when appropriate support and opportunities can be made available; and

WHEREAS, such support and opportunities are increasingly available in communities across Indiana; and

WHEREAS, people with disabilities deserve to fully participate in the economic, social, civic and spiritual life of the community; and

WHEREAS, the experience and understanding of all citizens is strengthened through this full participation; and

WHEREAS, since 1970, the Governor’s Planning Council for People with Disabilities has developed plans to promote positive attitudes, support and changes in the system of service delivery; and

WHEREAS, the Council has striven to ensure the presence of a unified voice for people with disabilities within state government.

NOW, THEREFORE, I, **Joseph E. Kernan**, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order that:

1. The Governor’s Planning Council for People with Disabilities is reestablished and continued.
2. The Council’s responsibilities will be to:
 - (a) carry out the mandates and mission as established under the Developmental Disability Assistance and Bill of Rights Act;
 - (b) provide leadership in the implementation of the federal Americans with Disabilities Act;
 - (c) promote and encourage necessary changes in public policies that call for the independence, productivity and integration into society of all people with disabilities, and make recommendations to the Governor, Legislature, State and local agencies and the citizens of the State of Indiana regarding disability issues;
 - (d) provide grants to encourage the development and implementation of these

policies and programs that promote the efficient delivery of services to people with disabilities;

- (e) develop and implement three-year plans in accordance with, but not limited to, P.L. 101-496;
- (f) promote a network of community-based citizen groups in an effort to engage communities in activities which support the mission of the Council;
- (g) monitor, evaluate and assist in the coordination of the service delivery system in Indiana that serves people with disabilities;
- (h) provide individuals and organizations with information, programs and recognition that promote positive attitudes toward people with disabilities;
- (i) receive grants from the federal government and philanthropic foundations and other private sources.

3. The Council shall be composed of not more than thirty-three (33) members. Of the members, at least fifty-one percent (51%) shall be persons with developmental disabilities, or the parents, immediate relatives, or guardians of persons with developmental disabilities. The membership of the Council shall be composed as follows:

- (a) the Executive Director of Protection and Advocacy or the Director's Designee; the Executive Director of the University Affiliated Programs or the Director's Designee; the Superintendent of the Department of Education or the Superintendent's Designee; the Director of the Bureau of Developmental Disabilities or the Director's Designee representing the Family and Social Services Administration in its entirety; the Director of the Department of Commerce or the Director's Designee; and the Commissioner of the Department of Health or the Commissioner's Designee.
- (b) twenty-seven (27) members to be appointed by the Governor. Of these twenty-seven (27) members, seventeen (17) shall be persons with developmental disabilities or the parents, immediate relatives or guardians of persons with developmental disabilities. Before each is appointed to the Council, each of these seventeen (17) shall have demonstrated an active involvement in the development of disability policy and in advocacy activities on behalf of persons with disabilities.

Of these seventeen (17) members:

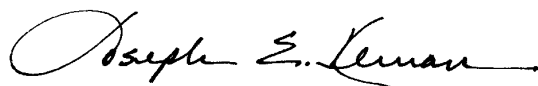
- (1) five (5) shall be individuals with developmental disabilities.
 - (2) five (5) shall be parents of children with developmental disabilities or immediate relatives or guardians of adults with mentally impairing developmental disabilities, one of whom is living in or has previously lived in an institution; and,
 - (3) seven (7) members shall be a combination of persons with developmental disabilities or parents, immediate relatives or guardians of persons with developmental disabilities. Three (3) of these seven (7) shall be graduates of the Partners in Policymaking Program.
- (c) Of the remaining ten (10) appointed members who are not required to be persons with developmental disabilities or parents or guardians of persons with developmental disabilities:
- (1) two (2) shall have disabilities and represent local community or

statewide organizations whose stated mission includes the goals of fostering the productivity, inclusion, and independence of people with disabilities;

- (2) two (2) members shall represent businesses, of which one shall employ fifty (50) or fewer employees, and of which one shall employ (50) or more employees. These businesses shall have demonstrated a commitment to implementing the Americans with Disabilities Act, but shall not be engaged in businesses directly serving people with disabilities.
 - (3) one (1) member shall represent local government.
 - (4) three (3) members shall represent providers of services of people with disabilities, including: special education programs, independent living centers, community-based programs, health care, and preschool or early intervention programs; and
 - (5) two (2) members shall represent local community or statewide organizations. These two (2) members need not have disabilities.
4. Members appointed by the Governor shall serve terms of three (3) years, and a member may not serve more than two consecutive terms.
5. Members who are not representatives of state agencies shall be entitled to receive a minimum salary per diem as provided under IC 4-10-11-2.1(b) while performing the duties of their offices. Each member of the Council shall be entitled to the reimbursement of travel expenses and other expensed actually incurred in connection with their duties as provided in state travel rules and in accordance with other applicable law.
6. The Council shall develop and implement policies, procedures, and plans for people with disabilities, which include the developmental disabilities state plan required by the Developmental Disabilities Assistance and Bill of Rights Act.
7. The Council shall prepare, approve and implement a budget using federal funds provided under the Developmental Disabilities Assistance and Bill of Rights Act to finance and implement all programs, projects, and activities including:
 - (a) conducting such hearings and forums that the Council may determine to be necessary to carry out the duties of the Council.
 - (b) supervising and evaluating the Executive Director and maintaining sufficient numbers and types of staff, and obtaining the services of professional, consulting, technical, and clerical personnel that the Council determines to be necessary to carry out its functions.
8. The Council shall direct the expenditure of funds for grants, contracts, interagency agreements, and other activities authorized by the approved state plan.
9. The Council shall advocate on behalf of people with disabilities by providing information and advice to state and local officials, the Governor, state legislators, and Congress.
10. The Council shall promote private and public sector partnerships which advance the Americans with Disabilities Act, the Fair Housing Act and other legislation which protects and benefits people with disabilities and their families.
11. The Council shall develop and advocate for the adoption of public policies which will guide and improve the state service system, and which will support the independence productivity, community inclusion and integration of people with disabilities.
12. The Council shall serve as the liaison to the President's Committee on Employment of People with Disabilities, and to the National Council on Disability.

13. The Governor shall appoint the Chairperson of the Council for a term of three years among the members of the Council, and the Chairperson shall serve at the will and pleasure of the Governor.
14. The Council shall work in coordination with the Family and Social Services Administration, and other state agencies with programs affecting persons with disabilities.
15. The Council shall, in accordance with state law, appoint and evaluate the Executive Director. The Executive Director may appoint appropriate staff in accordance with policies of the State Personnel Department.
16. The Council shall establish fiscal management procedures in compliance with the directives of the Indiana State Budget Agency. It shall also comply with any superseding or additional directives of that agency.
17. No funds shall be spent without the approval of a majority of the members of the Council.
18. A majority of the membership shall constitute a quorum for conducting business. The affirmative vote of that same majority of members must be present at the time of voting to transact any business of the Council.
19. The Council shall meet at least 4 times per year.
20. All members of the Council and its employees shall comply with all provisions of the Indiana Ethics Commission and conflict of interest laws, and the Council shall adopt appropriate standard operation procedures addressing ethics and conflicts of interest provisions as applies to its members and employees.
21. This order is effective as of September 13, 2003

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1st day of October, 2003.



Joseph E. Kernan Governor of Indiana

ATTEST: Todd Rokita
Secretary of State